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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 JEFFREY A. ERICKSON,

No. CIV S-03-2595-LKK-CMK-P

12 Petitioner,

13 vs.

ORDER

14 JULIO VALDEZ, et al.,

15 Respondents.
16 _____/


17 Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of
18 habeas corpus pursuant to 28 U.S.C. § 2254. Pending before the court is petitioner's request for
19 a certificate of appealability (Doc. 24).

20 Petitioner, a state prisoner proceeding pro se, has timely filed a notice of appeal of
21 this court's denial of his application for a writ of habeas corpus. Before petitioner can appeal this
22 decision, a certificate of appealability must issue. See 28 U.S.C. § 2253©; Fed. R. App. P. 22(b).
23 A certificate of appealability may issue under 28 U.S.C. § 2253 "only if the applicant has made a
24 substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). The court
25 must either issue a certificate of appealability indicating which issues satisfy the required
26 showing or must state the reasons why such a certificate should not issue. See Fed. R. App. P.

22(b); but see Woods v. Carey, 525 F.3d 886 (9th Cir. 2008) (citing White v. Lambert, 370 F.3d 1002, 1010 (9th Cir. 2004), and suggesting that a certificate of appealability is not required in cases where petitioner challenges the denial of parole). For the reasons set forth in the Magistrate Judge's October 24, 2006, findings and recommendations, petitioner has not made a substantial showing of the denial of a constitutional right.

Accordingly, IT IS HEREBY ORDERED that petitioner's request for a certificate of appealability (Doc. 24) is denied.

DATED: September 2, 2009.


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT